

Hon. John C. Coughenour

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON
AT SEATTLESTACEY HELLER, TOINETTE ROBINSON,
DAVID RAPP, and CECILY AND
TERRENCE MITCHELL, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

MENU FOODS, a foreign corporation,

Defendant.

No. CV-07-0453-JCC

[PROPOSED] ORDER
CONSOLIDATING RELATED
ACTIONS

This matter comes before the Court on plaintiffs' notice of related cases and request for consolidation. Having considered plaintiffs' motion the Court hereby ORDERS, as follows:

CONSOLIDATION OF RELATED CASES

1. The following actions are consolidated for all purposes, including, but not limited to, discovery, pretrial proceedings and trial proceedings, pursuant to Fed. R. Civ. P. 42(a):

CASE NAME	CASE NO.	JUDGE
<i>Thomas Whaley v. Menu Foods</i>	CV 07-0411 RSM	Hon. Ricardo S. Martinez
<i>Stacey Heller, Toinette Robinson, David Rapp and Cecily and Terrence Mitchell v. Menu Foods</i>	CV 07-0453 JCC	Hon. John C. Coughenour
<i>Audrey Kornelius and Barbara Smith v. Menu Foods</i>	CV 07-0454 MJP	Hon. Marsha J. Pechman

[PROPOSED] ORDER CONSOLIDATING
RELATED ACTIONS - 1
Case No. CV-07-0453-JCC

HAGENS BERMAN
SOBOL SHAPIRO LLP1301 FIFTH AVENUE, SUITE 2900 • SEATTLE, WA 98101
TELEPHONE (206) 623-7292 • FACSIMILE (206) 623-0594

CASE NAME	CASE NO.	JUDGE
<i>Suzanne E. Johnson and Craig R. Kleeman v. Menu Foods</i>	CV 07-0455 JCC	Hon. John C. Coughenour
<i>Michele Suggett and Don James v. Menu Foods</i>	CV 07-0457 RSM	Hon. Ricardo S. Martinez
<i>Laura Migliore v. Menu Foods</i>	CV 07-0575 RSL	Hon. Robert S. Lasnik
<i>Gail Moran v. Menu Foods</i>	CV 07-0576 JCC	Hon. John C. Coughenour
<i>Sheryl Puett v. Menu Foods</i>	CV 07-0577 RSL	Hon. Robert S. Lasnik
<i>Daniel Ray Reeves v. Menu Foods</i>	CV 07-0634 JCC	Hon. John C. Coughenour
<i>Jeff Rusiecki v. Menu Foods</i>	CV 07-5204 RJB	Hon. Robert J. Bryan
<i>Nancy Guthrie v. Menu Foods</i>	CV 07-5205 RJB	Hon. Robert J. Bryan
<i>Sheree A. Robinson v. Menu Foods</i>	CV 07-0666 RSL	Hon. Robert S. Lasnik
<i>Phyllis A. Ullman v. Menu Foods</i>	CV 07-0667 MJP	Hon. Marsha J. Pechman
<i>Elizabeth Palmer v. Menu Foods</i>	CV 07-0668 JLR	Hon. James L. Robart
<i>Jason Labbate v. Menu Foods</i>	CV 07-0669 MJB	Hon. Monica J. Benton
<i>Megan Whitt v. Menu Foods</i>	CV 07-0670 RSM	Hon. Ricardo S. Martinez
<i>Linda Weitz v. Menu Foods</i>	CV 07-0684 RSM	Hon. Ricardo S. Martinez
<i>Michelle Adams v. Menu Foods</i>	CV 07-0685 JPD	Hon. James P. Donohue
<i>Larae Dineen v. Menu Foods</i>	CV 07-0686 RSM	Hon. Ricardo S. Martinez
<i>Sandra Shingle v. Menu Foods</i>	CV 07-0687 MJP	Hon. Marsha J. Pechman
<i>Gary Thomas v. Menu Foods</i>	CV 07-0688 TSZ	Hon. Thomas S. Zilly
<i>Deborah Mullen v. Menu Foods</i>	CV 07-0689 JLR	Hon. James L. Robart
<i>Helen Percy v. Menu Foods</i>	CV 07-0690 RSL	Hon. Robert S. Lasnik

2. Any other actions now pending or subsequently filed in, or transferred to, this District shall be consolidated into this action for all purposes. This Order shall apply to every such related action, absent order of the Court. A party that objects to such consolidation, or to any other provision of this Order, must file an application for relief from this Order within 30

[PROPOSED] ORDER CONSOLIDATING
RELATED ACTIONS - 2
Case No. CV-07-0453-JCC



HAGENS BERMAN
SOBOL SHAPIRO LLP
1301 FIFTH AVENUE, SUITE 2900 • SEATTLE, WA 98101
TELEPHONE (206) 623-7292 • FACSIMILE (206) 623-0594

days after the date on which a copy of the Order is mailed to the party's counsel, pursuant to ¶ 7, *infra*.

3. This Order is entered without prejudice to the rights of any party to apply for severance of any claim or action, for good cause shown.

MASTER DOCKET AND CAPTION

1. The docket in Civil Action No. CV-07-0453-JCC shall constitute the Master Docket for this action.

2. Every pleading filed in the consolidated action shall bear the following caption:
UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re MENU FOODS LITIGATION	}	Master File No. CV-07-0453-JCC
WESTERN DISTRICT OF WASHINGTON		<u>CLASS ACTION</u>
This Document Relates To:		

3. The file in Civil Action No. CV-07-0453-JCC shall constitute the Master File for every action in the consolidated action. When the document being filed pertains to all actions, the phrase "All Actions" shall appear immediately after the phrase "This Document Relates To:."

When a pleading applies only to some, but not all, of the actions, the document shall list, immediately after the phrase "This Documents Relates To:," the docket number for each individual action to which the document applies, along with the last name of the first-listed plaintiff in said action (*e.g.*, "No. CV 07-0404 MJP (*Kornelius*)").

4. The parties shall file a Notice of Related Cases whenever a case that should be consolidated into this action is filed in, or transferred to, this District. If the Court determines that the case is related, the clerk shall:

- a. place a copy of this Order in the separate file for such action;
- b. serve on plaintiff's counsel in the new case a copy of this Order;

[PROPOSED] ORDER CONSOLIDATING
RELATED ACTIONS - 3
Case No. CV-07-0453-JCC



HAGENS BERMAN
SOBOL SHAPIRO LLP
1301 FIFTH AVENUE, SUITE 2900 • SEATTLE, WA 98101
TELEPHONE (206) 623-7292 • FACSIMILE (206) 623-0594

c. direct that this Order be served upon defendants in the new case; and

d. make the appropriate entry in the Master Docket.

ORDER

IT IS SO ORDERED.

DATED this _____ day of _____, 2007.

HONORABLE JOHN C. COUGHENOUR
U.S. District Court Judge

Presented by:

HAGENS BERMAN SOBOL SHAPIRO LLP

By



Steve W. Berman, WSBA # 12536
Jeniphr Breckenridge, WSBA # 21410
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594
E-mail: steve@hbsslaw.com
E-Mail: Jeniphr@hbsslaw.com

MYERS & COMPANY, P.L.L.C.

Michael David Myers
1809 Seventh Avenue, Suite 700
Seattle, Washington 98101
Telephone: (206) 398-1188
Facsimile: (206) 400-1112
E-mail: mmyers@myers-company.com

*Attorneys for Plaintiffs Stacey Heller,
Toinette Robinson, David Rapp, Cecily
and Terrence Mitchell*

[PROPOSED] ORDER CONSOLIDATING
RELATED ACTIONS - 4
Case No. CV-07-0453-JCC



HAGENS BERMAN
SOBOL SHAPIRO LLP

1301 FIFTH AVENUE, SUITE 2900 • SEATTLE, WA 98101
TELEPHONE (206) 623-7292 • FACSIMILE (206) 623-0594